

whether original, communicated, or copied from any other publication, every proprietor and publisher shall be held to be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than twenty nor more than two hundred dollars, and imprisoned for not less than ten days nor more than one year, in the discretion of the court in which the conviction shall be had. And each successive number of any newspaper, or periodical, containing any such obscene or licentious matter, shall be deemed a new publication thereof, and shall subject every proprietor and publisher to indictment and punishment as for a distinct offence.

INDICTMENTS—FALSE PRETENCES—GAMING AND LOTTERIES.

79. Whenever the misnomer of any defendant or defendants is pleaded in abatement to any indictment in any of the courts of this State having criminal jurisdiction, it shall be lawful for the State's Attorney prosecuting the same, or other person prosecuting for the State, on application to the court, to amend the said indictment by inserting in the place of the name or names so erroneously set forth in the said indictment, the true name or names of such party or parties, as disclosed in the said plea of abatement, and it shall be the duty of the clerk of the court to endorse the amendment, and to enter the said case upon the docket of the court, according to the true name or names of the party or parties so indicted.

80. Whenever it shall appear after a jury sworn on any indictment, in any of the courts of this State having criminal jurisdiction, that the name or names of any person or persons other than the defendant or defendants have been erroneously set forth in the said indictment, it shall be lawful for the State's Attorney, or other person prosecuting for the State, on application to the court to amend the said indictment according to the proof in the said cause; and it shall be the duty of the court in which such trial shall be had to proceed with the trial of the said indictment so amended, unless oath shall be made by the party or parties so charged that the said amendment or amendments has or have disclosed a fact or facts to him heretofore unknown, or that the immediate proceeding with the trial of the said indictment would tend to his prejudice; and in such case it shall be the duty of the court to discharge the jury sworn in the said case without a verdict, and to postpone the trial thereof for such reasonable time as the court shall determine; or in case the